

(2019) 12 PAT CK 0170

In the Patna High Court

Case No : Letters Patent Appeal No. 878 Of 2017 In Civil Writ Jurisdiction Case No. 6420 Of 2004

Ranjeet Kumar Rai

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 13-12-2019

Acts Referred:

Constitution Of India, 1950 — Article 226
Bihar Land Reforms (Fixation Of Ceiling Area And Acquisition Of Surplus Land)
Amendment Act, 2019 — Section 2

Citation : (2019) 12 PAT CK 0170

Hon'ble Judges : Sanjay Karol, CJ; Anil Kumar Upadhyay, J

Bench : Division Bench

Advocate : Pratik Kumar Sinha, Md. Khurshid Alam

Final Decision : Disposed Of

Judgement

Heard learned counsel for the appellant and learned counsel for the respondents.

The appellant has prayed for the following relief:

"The present memo of appeal is being filed on behalf of the writ petitioner-appellant (purchaser) against the judgment and order dated 28.10.2016 passed by the learned single Judge in CWJC No. 6420/2004, wherein the claim of the writ petitioner-appellant seeking quashing of the order dated 12.03.2004 passed by the learned Additional Member Board of Revenue in Ceiling Revision Case No. 155 of 2003 (Annexure-1 to the writ petition) setting aside the order dated 18.07.2002 and 9.07.2003 passed by the original authority and the appellant authority and thereby allowing the claim of pre-emptor (respondent nos. 5 to 9), has been affirmed."

Learned Single Judge, not finding favour with the original appellant, while dismissing the petition filed under Article 226 of the Constitution of India, affirmed the order dated 12.03.2004 passed by the Member, Board of Revenue in

Revision Case Nos. 155 of 2003. The said order was passed under the provisions of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 qua the writ petitioner who claimed himself to be an adjoining raiyat of the vended plot.

It is seen that now there is a legislative amendment in the Principal Act and by virtue of Section 2 of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Amendment Act, 2019, cases or proceedings pending before the State Government, the Board of Revenue, the Bihar Land Tribunal, the Divisional Commissioner, the Collector, the Additional Collector, the Deputy Collector Land Reforms or any other Court are deemed to have abated.

The pre-emptor/purchaser has not been rendered remediless. He is entitled to, by virtue of the Amending Act, certain amounts.

In view of the change in position of law, we find the present proceeding to have abated.

At this stage, our attention is invited to the fact that validity of the Amending Act is pending consideration before this Court. Ordinarily, we would have refrained from passing such order, but for the fact that the present appeal pertain to the year 2017, we proceeded to hear the same. However, since validity of the Amending Act is pending consideration before this Court, we grant liberty to either of the parties to get this appeal revived, if need so arises, after final adjudication with regard thereto.

With the aforesaid, the present appeal is disposed of as having abated.